

SCR 0395P



(2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicant: Cochrane et al.

Serial No.: 07/715,397

Filed: June 14, 1989

For: PULMONARY SURFACTANT PROTEIN
AND RELATED POLYPEPTIDE

Examiner: Perkins

) Group Art Unit: 189

I hereby certify that this correspondence is being
deposited with the United States Postal Service as first
class mail in an envelope addressed to Commissioner of
Patents and Trademarks Washington, D.C. 20231 on

4-13-92

(Date of Deposit)

April C. Logan, Reg. No. 33,950

Name of applicant, assignee or
Registered Representative

April C. Logan

Signature

4-13-92

Date of Signature

DECLARATION

Box Sequence

Hon. Commissioner
of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

I, April C. Logan, declare that:

1. In response to the PTO's request to provide a sequence listing for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures under 37 C.F.R. §§1.821-1.825 mailed September 30, 1991 (Paper No. 5), enclosed is a Sequence Listing on paper copy, made in accordance with 37 C.F.R. §§1.821-1.825. Also enclosed is a copy of the Sequence Listing in computer readable form, submitted as required by 37 C.F.R. §1.821(e), on which the Sequence Listing is labeled SCR0395S.APP.

2. Submitted herewith is an Amendment and Response to the Office Action mailed September 30, 1991 (Paper No. 5) and the Supplemental Office Action mailed October 11, 1991 (Paper No. 6), in which amendments have been made in order to comply with 37 C.F.R. §1.821(d). I hereby state that the Amendment made in accordance with 37 C.F.R. §1.821(d) does not include new matter.

3. In the event that these corrections do not completely satisfy the requirements set forth in the Office Action mailed September 30, 1991 (Paper No. 5), it is requested that this

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correspondence act as a conditional request for a petition to revive an unintentionally abandoned application under 37 C.F.R. §1.137. In accordance with 37 C.F.R. §1.137(b), in the event that this application is held to be abandoned for failure to satisfy the requirements of the Action mailed September 30, 1991, such an abandonment of the application was unintentional. Indeed, the submission of this correspondence and its enclosures is evidence of the intent to continue prosecution of the application. The present correspondence is being submitted as part of the response to the outstanding Office Actions and should be considered as such for purposes of 37 C.F.R. §1.137(b).

4. In the event that this application becomes unintentionally abandoned, the petition fee in the amount of \$1,050.00 should be charged to our Deposit Account No. 19-0962. This paper is thus enclosed in duplicate.

5. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Respectfully submitted,

4-13-92

Date

April C. Logan

April C. Logan, Reg. No. 33,950

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[] Attorney or agent of record
[X] Filed under §1.34(a)